

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 20th day of February, 2007:

MEMBERS:

Jack R. Cavalier, Chairman
Mark Dudenhefer, Vice Chairman
M. S. "Joe" Brito
Peter J. Fields
Robert C. Gibbons
Paul V. Milde III
George H. Schwartz

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD
COUNTY CODE BY ADDING CHAPTER 22A, PURCHASE OF
DEVELOPMENT RIGHTS

WHEREAS, the Board established the Agricultural Commission in December, 2000, to establish a comprehensive approach to the preservation of agricultural and rural lands; and

WHEREAS, the Board requested the Agricultural Commission to develop a Purchase of Development Rights (PDR) Program; and

WHEREAS, the Agricultural Commission has received assistance from various agencies active in the establishment of a PDR program; and

WHEREAS, the Board established a sub-committee to review a proposed PDR ordinance; and

WHEREAS, the Board feels that the establishment of a PDR program will help address the problems of sustainable growth, preservation of rural lands, and promotion and facilitation of agriculture, environmental integrity and land values;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 20th day of February, 2007, that the Stafford County Code be amended and reordained to add Chapter 22A, Purchase of Development Rights, as follows:

CHAPTER 22.5. PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Section 22.5-1	Purpose
Section 22.5-2	Applicability
Section 22.5-3	Definitions
Section 22.5-4	Designation of Program Administrator; power and duties
Section 22.5-5	Purchase Development Rights Committee; established powers and duties
Section 22.5-6	Appraisal Review Committee; established powers and duties
Section 22.5-7	Eligibility Criteria
Section 22.5-8	Ranking System
Section 22.5-9	Purchase Development Terms and Conditions
Section 22.5-10	Application and Evaluation Procedure
Section 22.5-11	Purchase of Development Rights Procedure
Section 22.5-12	Outreach
Section 22.5-13	Inspection and Enforcement

Section 22.5-1 Purpose

The purpose of the Stafford County Purchase of Development Rights Program (PDR) includes, but is not limited to the following:

- (a) Establishing a program that enables the County to acquire conservation easements voluntarily offered by property owners to serve as one means of assuring that Stafford County's resources are protected and efficiently used;
- (b) Establishing and preserving open-space and the continuing rural character of the County;
- (c) Preserving farm and forest land;
- (d) Conserving and protecting water resources and environmentally sensitive lands, waters and other resources;
- (e) Conserving and protecting biodiversity, wildlife and aquatic habitat;
- (f) Assisting in shaping the character, direction, and timing of development in the County;
- (g) Improving the quality of life for the inhabitants of the County;
- (h) Promoting recreation and tourism through the preservation of scenic and historical resources

State Law Reference-Code of Va. 10.1-1700 et seq.

The PDR program shall be a program by which the County may acquire, in accordance with the provisions set forth herein, and to the extent of available funding, the development rights on eligible parcels of rural land in areas of the County described in Section 22.5-7 below.

The PDR program shall be directed toward property that lies outside the designated growth area as depicted on the most recent Land Use Map except in those areas under the ownership or control of the United States of America, or the Commonwealth of Virginia, or an agency or instrumentality thereof. However, if property within the designated growth area meets the intent of the program, the landowner may apply to the program and the Board shall consider the merits of the application.

Nothing in this Ordinance shall be construed as a limitation upon the County's authority to acquire land for public purposes other than those set forth in this Ordinance.

Section 22.5-2 Applicability

The PDR program shall be available for all qualifying lands in the County, except those lands under ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this program shall be voluntarily offered by the owner.

Section 22.5-3 Definitions

The following definitions shall apply in the interpretation and implementation of this chapter:

Administrator, or Program Administrator (for purposes of this Article), shall mean that person placed in the managerial capacity over the daily operations of the PDR program. The Administrator shall serve as a direct liaison for the program.

Accessory use means a use which is clearly incidental to, and customarily found in connection with, the principal use of the same parcel or group of contiguous parcels under common ownership and operated as an agricultural enterprise.

Agricultural uses means those land uses including farms, (and farm residences), the tilling of soil, the bonafide growing and production of crops, horticulture, silviculture, aquaculture, forestry, orchards, vineyards, nursery operations, and truck farming; the raising of livestock, fowl, dairy cattle, horses or poultry. Nursery operations are considered agricultural uses. The term also includes the repair, expansion or replacement of no more than one bona fide dwelling occupied by the landowner or tenant as of the date of application for entry in the PDR program, as permitted by Section 28-35 of the Zoning Ordinance; accessory uses directly related to agricultural activities conducted on the same property, including the sale of agricultural products; equestrian uses; recreational activities; feed lots; and septic tanks and drainfields approved by the health department and which cannot be located within an area not encumbered by an agricultural land preservation easement. The term does not include the processing of agricultural, silvicultural, horticultural or aquacultural products, except as an accessory use.

Animal unit, as used in the property ranking system, means a unit of measurement equal to one thousand (1,000) pounds of live body weight of livestock.

Appraisal means a written statement or report independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property, or any such portion or interest therein, as of a specific date, supported by the presentation and analysis of relevant market information.

Batch means a grouping of contiguous parcels for purposes of making application for the sale and conveyance of development rights of the combined parcels.

Biodiversity means the interconnectedness of all life forms on Earth, diversity of plant and animal life in a particular habitat.

Board means the Board of Supervisors of Stafford County.

Conservation Easement means (for the purposes of this Ordinance) a non possessory interest of the County in real property, whether easement appurtenant or easement in gross, acquired through gift, purchase, devise or bequest, perpetual in duration, imposing certain limitations or affirmative obligations, for the purposes of which include retaining or protecting natural or open space values of real property, assuring its availability for agricultural, forestal, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, or archeological aspects of real property pursuant to which the exercise of development and other specified rights on the subject property is prohibited.

County Attorney means the County Attorney of Stafford County or his designee.

County Administrator means the County Administrator of Stafford County or his designee.

Commission means the Agricultural Commission of Stafford County.

Commissioner means the Commissioner of the Revenue of Stafford County.

Dwelling means a structure which is designed and used for residential purposes.

Director means the Director of Planning and Community Development or his designee.

Development rights, means the rights to develop agriculturally zoned property for use other than an agricultural use. The term includes, but is not limited to,

the right to develop property for any commercial, industrial or residential use except as expressly permitted by this Ordinance.

Landowner means the equitable owner of the fee simple title to a parcel of land or, with respect to a parcel not encumbered by a deed of trust or mortgage, the legal owner of such title. Where more than one person or entity is the legal and/or equitable owner, the term refers to all such persons or entities jointly.

“Open-space” (as defined in State Law Reference – Code of Va. § 10.1-1700), means any land which is provided or preserved for (i) park or recreational purposes, (ii) conservation of land or other natural resources, (iii) historic or scenic purposes, (iv) assisting in the shaping of the character, direction, and timing of community development, or (v) wetlands as defined in Code of Va. § 28.2-1300.

Parcel means a lot or tract of land, lawfully recorded in the Clerk's Office of the Circuit Court of the County of Stafford.

Program means the purchase of development rights program established by this Ordinance.

Property ranking system or system means the formula by which applications for the sale of development rights are ranked in order of priority of acquisition of such rights.

Timber harvest means a merchantable harvest for the commercial market. The term does not include minor harvests for such things as firewood, poles, posts, blind material or greenery.

Section 22.5-4 Designation of Program Administrator; Power and Duties

- (a) *Designation.* The Board shall appoint a PDR Program Administrator. The administrator shall report to the Deputy County Administrator.
- (b) *Power and duties.* The administrator shall administer the PDR program and shall have powers and responsibilities to:
 - (1) Establish reasonable and standard procedures and forms consistent with this program for the administration and implementation of the program.
 - (2) Promote the program, in cooperation with the PDR committee, by providing educational materials to the public and conducting informational meetings.
 - (3) Investigate and pursue, in conjunction with county, state, federal and other programs available to provide additional public and private resources to fund the program and maximize private participation.
 - (4) Evaluate all applications to determine their eligibility and their ranking score. Rank applications based on their ranking score as determined by the property ranking system and make recommendations thereon to the PDR committee.

- (5) Coordinate the contracting and delivery of appraisals for each property.
- (6) Negotiate with the landowner relating to conservation easement terms and value.
- (7) Provide staff support to the Board, PDR committee and the appraisal review committee
- (8) For each conservation easement accepted into the program, establish baseline data and assure that the terms and conditions of the easement are monitored and complied with by coordinating a monitoring program with each easement holder.

Section 22.5-5 Purchase of Development Rights Committee established; powers and duties

(a) *Establishment.* The PDR committee is hereby established, as follows:

- (1) The committee shall consist of seven members appointed by the Board (one from each election district). Each member shall be a property owner and reside in Stafford County. The committee should, but is not required to be comprised of members who are knowledgeable in fields of conservation, conservation biology, planning, real estate, land appraisal, farming or forestry.
- (2) The members of the committee shall serve at the pleasure of the Board. The terms of the members shall coincide with the terms of appointment for the Board.
- (3) The members of the committee shall serve without pay, but the Board may, at its own discretion, reimburse members for actual and necessary expenses incurred in the performance of his / her duties.
- (4) The committee shall elect a chairman, vice chairman and secretary at its first meeting each calendar year. The secretary need not be member of the committee.
- (5) The administrator shall be an ex-officio member of the committee.

(b) Power and duties: The PDR committee shall have the powers and duties to:

- (1) Promote the program in cooperation with and under the guidance of the administrator, by providing educational materials to the public and conducting informational meetings.
- (2) Review rankings of applications recommended by the administrator and make recommendations to the administrator and the Board as to which conservation easements should be purchased as determined by the property ranking system, the appraisal, and other applicable information.
- (3) Annually review the program's eligibility and ranking criteria and recommend to the administrator any changes needed to maintain the program's consistency with the comprehensive plan, or to improve the administration, implementation and effectiveness of the program.
- (4) The presence of at least four members of the committee at a regularly scheduled meeting shall constitute a quorum for purposes of conducting business and the committee shall make decisions on a "majority rule" basis.

Section 22.5-6 Appraisal review committee established; powers and duties.

- (a) *Establishment.* The appraisal review committee is hereby established as provided herein:
- (1) An appraisal review committee shall be created by the PDR committee and shall operate directly under its supervision.
 - (2) The appraisal review committee shall consist of three members comprised of at least one professional real estate appraiser, one member of the PDR committee and the County Commissioner of the Revenue or his or her designee from the assessment office. The members shall be appointed by the PDR committee.
 - (3) The members of the appraisal review committee shall serve at the pleasure of the PDR committee. Each member, other than the County Commissioner of the Revenue, or his designee, shall serve a term of one year. The County Commissioner of the Revenue, or his designee, shall be a permanent member of the subcommittee.
- (b) *Powers and Duties.* The appraisal review committee shall have the power and duty to review appraisals to ensure they are consistent with appropriate appraisal guidelines and practices and make recommendations thereon to the PDR committee and provide approved appraisal results to the PDR committee and the administrator. This power and duty shall not include the authority to alter or substitute an appraisal, but only to evaluate its appropriateness under specific guidelines and practices.

Section 22.5-7 Eligibility Criteria

In order for a parcel to be eligible for the purchase of development rights program, it must meet the following criteria:

- (a) The property must be located in Stafford County within that portion of the County as described in Section 22.5-1 above.
- (b) The property must be no less than twenty (20) acres in area, or be included in a batch in which the combined area of contiguous parcels is no less than twenty (20) acres in area.
- (c) The property must be wholly located within an agricultural or rural residential zoning district, including A-1 or A-2, or any combination of such zoning districts;
- (d) The property must be capable of being subdivided or developed for nonagricultural uses without legislative approval;
- (e) The proposed use of the property as permanent open space shall conform with the policies set forth in Stafford County's Comprehensive Plan;

- (f) No uses or structures other than those permitted by the conservation easement shall be located upon the parcel;
- (g) If any portion of the property being considered contains any land that is currently reserved or set aside for open space, recreation or similar purposes pursuant to the provisions of a conditional use permit, variance, or other action by the Board, or any ordinance or regulation; that portion of the property shall be excluded from the appraisal process.

Section 22.5-8 Property Ranking System

In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by using a ranking system. The initial ranking system and any changes to the ranking system shall be approved by the Board of Supervisors.

- (a) The property ranking system is hereby adopted. The system shall be the sole means by which the priority of acquisition of development rights under the program is determined when available funding is insufficient to purchase the development rights on all property that is the subject of received applications for the sale of development rights. The number of property ranking system points assigned to a particular property shall not be used in determining the value of development rights or the amount of any offer to purchase such rights but shall be used solely as a means for establishing a means of prioritizing the properties for further consideration.
- (b) There shall be five (5) categories of criteria for evaluation under the ranking system. In each category, certain factors descriptive of the characteristics of property sought to be included in the purchase of development rights program are included. Each factor is stratified into a range of possible point values ranging from zero (0) to twenty (20). To determine the total points assigned to such property, the values for all five (5) categories are added. Property having the highest total scores shall rank highest in priority of acquisition. The maximum total score is one hundred seventy-five (175) points. The categories, with their respective factors, are as follows:

RANKING CRITERIA POINT SYSTEM		Possible Points	Total Points
(a) Quality of the parcel (productivity capability) (50 Maximum Points)			
(1)	Size of property 100 acres or more – 10 80 to 99 acres – 7 50 to 79 acres – 4 20 to 49 acres – 2	10	
(2)	Soils—Percentage in United States Department of Agriculture Natural Resources Conservation Service Land Capability Classification System Land Capability Class 1, 2E, 2W, 3W, and 4W undrained 80% or more – 10 60 to 79% - 8 40 to 59% - 6 20 to 39% - 3 Less than 20% - 0	10	
(3)	Parcel contains active farmland with a majority zone A-1. <i>(Active agricultural land: Cropland or pastureland that has been harvested or grazed during the proceeding year or in 3 of the previous 5 years)</i> 2 points per 10 acres or fraction thereof with a maximum of 20 total points	20	
(4)	Owner has implemented or agrees to implement any of the following Soil and Water Conservation Plan Categories approved by the Tri-County Soil and Water District (2 points for each category) -Nutrient Management plan -Conservation Tillage -Grazing land Protection -Cover Crops -Streambank Protection	10	
SUB-TOTAL POINTS		50	

RANKING CRITERIA POINT SYSTEM		Possible Points	Total Points
(b) Likelihood of parcel being threatened (development pressure). (50 Maximum Points)			
(1)	Urgency of circumstances favoring conversions Parcel subject to potential forced sale - 10 Parcel subject to estate settlement sale - 8 Parcel actively marketed for voluntary sale - 6 Parcel owner is older than average of the Stafford County farmers according to the most recent Ag Census – 4	10	
(2)	Acreage suitability for residential conversion— Percentage of well or moderately well-drained soils on the parcel 80% or more - 10 60 to 79% - 8 40 to 59% - 6 20 to 39% - 3 Less than 20% - 0	10	
(3)	Purchase price is leveraged or below market value using other funding sources including but not limited to state, federal, foundation funding, or private, landowner donations. -One point for each five (5%) percent of the purchase price leveraged or below market value.	10	
(4)	Amount of public road contiguous to parcel 1,000 linear feet or more - 10 600 to 999 feet - 8 300 to 599 feet - 7 100 to 299 feet - 4 Less than 100 feet - 0	10	
(5)	Landowners have agreed to any of the following restrictions: -Timber harvesting restrictions or timber buffers =10 pts. -No new dwellings may be located on the property = 6 pts. -Parcel shall not further be divided = 3 pts.	10	
SUB-TOTAL POINTS		50	

RANKING CRITERIA POINT SYSTEM		Possible Points	Total Points
(c) Circumstances supporting agriculture. (32 Maximum Points)			
(1)	Number of non-farm rural residences within one-half mile of the property boundary 0 to 3 dwelling units – 8 4 to 7 dwelling units – 6 8 to 12 dwelling units – 4 13 to 18 dwelling units – 2 More than 18 units – 0	8	
(2)	Proximity of parcel to other properties with PDR or other perpetual easements Contiguous – 8 Within 1/4 mile – 6 Within 1/2 mile – 4 Within 1 mile – 2 Greater than 1 mile – 0	8	
(3)	Proximity to significant or unique agricultural support services Contiguous – 8 Within 1 mile – 6 Within 2 miles – 4 Within 3 miles – 2 Greater than 3 miles – 0	8	
(4)	Batch application with contiguous parcels Contiguous – 8 Not contiguous – 0	8	
SUB-TOTAL POINTS		32	

RANKING CRITERIA POINT SYSTEM		Possible Points	Total Points
(d) Environmental quality. (24 Maximum Points)			
(1)	Virginia Division of Conservation and Recreation Ranking (Virginia Conservation Land Needs Assessment) C-1 Outstanding Conservation Significance - 10 C-2 Very High Conservation Significance - 8 C-3 High Conservation Significance - 6 C-4 Moderate Conservation Significance - 4 C-5 General Conservation Significance - 2	10	
(2)	Percentage of parcel in upland forest 80% or more – 8 60 to 79% - 6 40 to 59% - 4 20 to 39% - 2 Less than 20% - 0	8	
(3)	Proximity to areas identified as having high environmental value, such as state or federal parks, exemplary wetlands, critical areas, designated wildlife refuge or corridor, or threatened or endangered species habitat Contains or is contiguous – 8 Within 1/2 mile – 6 Within 1 mile – 4 Within 1-1/2 miles – 2 Greater than 1-1/2 miles – 0	8	
(4)	Proximity of parcel to perennial stream or waterway Parcel either includes or is adjacent to Perennial waterway – 4 All other – 0	4	
SUB-TOTAL POINTS		30	

RANKING CRITERIA POINT SYSTEM		Possible Points	Total Points
(e) Cultural Resource (Maximum 8 Points)			
(1)	Proximity to historic or cultural features Property contains or is contiguous to important historic structure of National, state or local significance, archaeological site –13 Property is associated with an important historic place, event, person or activity- 8 Property is an established or familiar visual feature that is part of an historic landscape –6	13	
SUB-TOTAL POINTS		13	
TOTAL POINTS		175	

Section 22.5-9 Purchase Development Terms and Conditions

Each Conservation Easement shall conform with the requirements of the Open-Space Land Act of 1966 (Code of VA. Section 10.1-1700 et seq.) and this chapter. The deed of easement shall be in a form approved by the County Attorney and shall contain, at a minimum, the following provisions:

- (a) *Restrictions on new dwellings.* No new dwellings may be constructed on a parcel except as provided hereafter. The deed of easement may allow for one new dwelling per 100 acres, with the location of the dwelling and all appurtenances specified on a plat of subdivision approved by the County and recorded before or contemporaneously with the execution and recordation of the conservation easement.
- (b) *Conservation easement duration.* A conservation easement acquired under the terms of this chapter shall be perpetual and shall run with the land.
- (c) *Other restrictions.* In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to the uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to restrictions pertaining to i) the accumulation of trash, debris, inoperable motor vehicles, and other junk; ii) the display of billboards, signs and modes of advertisements upon the property; iii) grading or clearing for purposes unrelated or not connected with the bonafide agricultural use of the property, blasting or earth removal; (iv) conducting of industrial or commercial activities on the parcel other than specified limited commercial activities associated with the bonafide agricultural use of the property.

- (d) *Designation of easement holder.* Stafford County shall be the easement holder, and, at its discretion, one or more additional public bodies, as defined and provided for in Section 10.1-1700 of the Code of Virginia, or one or more organizations then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, may also be an easement co-holder.

Section 22.5-10. Application and Evaluation procedure

Each application for a conservation easement shall be processed and evaluated as follows:

- (a) *Application; programs materials to be provided to owner.* The application materials provided by the administrator to an owner shall include, at a minimum, a standard application form and information about the PDR program.
- (b) *Application form.* Each application shall be submitted to the administrator on the standard form prepared by the administrator. The application form shall require, at a minimum that the owner provide:
 - (1) the names of all owners of the parcel
 - (2) the address and telephone number of all owners
 - (3) the acreage of the parcel
 - (4) the tax map and assessor's parcel number
 - (5) the zoning designation of the parcel
 - (6) a grant of permission to the administrator and an independent, licensed and certified appraiser, and such other staff as may be appropriate, to enter the property, after reasonable notice to the owner, to evaluate and appraise the property.
 - (7) a space for the owner to indicate whether he/she volunteers to have his/her parcel subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions
- (c) *Additional application information required by administrator.* The administrator may require the owner to provide additional information deemed necessary to determine: (i) whether the proposed easement is eligible for purchase; (ii) the ranking of the parcel; and (iii) the value of such easement.
- (d) *Submittal of application.* Applications shall be submitted to the administrator. An application fee may be required. An application may be submitted at any time during an open application period. However, applications received after an open application period deadline shall be held by the administrator until the next open application period.
- (e) *Evaluation by administrator.* The administrator shall evaluate each Application received and determine whether the application is complete. If the application is incomplete, the administrator shall inform the owner in writing of the information that must be submitted in order for the application to be deemed

complete. When the application is deemed complete, the administrator shall determine whether the parcel satisfies the eligibility criteria set forth in Section VII, and if it does, shall determine the number of points to be attributed to the parcel by applying the ranking system in accordance with Section VIII. The administrator shall then rank each parcel with the parcel scoring the most points being the highest ranked and descending in order therefrom. The administrator shall submit the list of ranked parcels to the PDR committee after each open application period.

- (f) *Evaluation by PDR committee.* The PDR committee shall review the list of ranked parcels submitted by the administrator. The PDR committee shall forward to the administrator and to the Board its recommendations as to which conservation easements should be purchased under the provisions of this Chapter.
- (g) *Evaluation by Board.* The Board shall review the list of ranked parcels submitted by the PDR committee and identify by resolution, which conservation easements should be purchased and their priority of purchase. Nothing in this chapter shall obligate the Board to purchase a conservation easement on any property that is deemed eligible for purchase and that the Board identifies for purchase under this subsection.
- (h) *Appraisal of conservation easement value.* Each conservation easement identified by the Board to be purchased shall be appraised by an independent qualified appraiser contracted by the County for such purpose. Each completed appraisal shall be submitted to the program administrator and the owner. The program administrator shall forward each appraisal to the appraisal review committee, which shall review each appraisal and make recommendations thereon to the PDR committee.
- (i) *Requirements and deadlines may be waived.* Any requirement or deadline set forth in this chapter may be waived by the Board if, for good cause, it is shown that exigent circumstances exist that warrant consideration of an otherwise untimely application or it is shown that the requirements of this ordinance unreasonably restrict the purchase of an easement. Under such circumstances, the Board may authorize purchase of a conservation easement at any time it deems necessary so long as the purchase meets the intent of the Purchase of Development Rights Program as identified in the Comprehensive Plan and the purchase complies with the specific purposes and applicability of this ordinance as set out herein.
- (j) *Reapplication.* An owner of a parcel not selected by the Board for purchase of a conservation easement may reapply in any future open application period.

Section 22.5-11 Purchase of Development Rights Procedure

Applications to sell development rights shall be on a form prescribed by the administrator and shall be signed by the landowner and submitted to the administrator. The administrator may require supporting documentation, including deeds, surveys or

other legal instruments, to be submitted with the application. A landowner may submit an application for each parcel or may submit a single application for more than one contiguous parcel. Applications for batched parcels shall follow the same procedure, but shall be signed by all landowners. Applications must be received no later than June 30 to be eligible for consideration during that calendar year.

- (a) The administrator shall review each application to determine whether the eligibility criteria set forth in Section 22.5-3 are met and all required information is provided, and shall notify the landowner of his determination. Incomplete or otherwise deficient applications shall be rejected and returned to the landowner with a statement of reasons for the rejection.
- (b) In the event a parcel, or portion thereof, fails to meet the eligibility criteria set forth in Section 22.5-3, such parcel, or portion thereof, shall not be considered for inclusion in the program. In the event the ineligibility of a parcel or portion thereof, renders the remaining property which is the subject of the application ineligible, none of the property shall be considered for inclusion.
- (c) In the event available funding is insufficient to purchase the development rights on all properties which are the subject of pending applications under this ordinance, the administrator shall evaluate each application, using the criteria of the property ranking system set forth in Section 22.5-8, and shall ascertain all necessary facts and information for ranking the priority of acquisition of the lands included in the application. In performing such evaluation, the administrator may request the assistance of such other county departments and agencies as may be appropriate and beneficial. The evaluation shall include a recommendation for the number of agricultural ranking system points to be assigned to the application. No later than ninety (90) days after receipt of the completed application, the director shall forward a copy of the evaluation to each member of the commission and to the county administrator and the landowner.
- (d) The submission of an application shall not be deemed to constitute a binding contractual offer to convey any interest in the landowner's property, but shall be revocable at will by the landowner prior to the execution of an installment purchase agreement, without penalty.

Section 22.5-12. Outreach

The PDR Committee envisions an annual process to solicit applications for the sale of development rights to the County. As part of that process, an effective outreach effort to the public would inform those who may be interested in the program of the goals and benefits of the program, the application process, the nature of the rights to be purchased, the requirements, criteria and ranking system, and other program details. The effort would be aimed at encouraging applications and making the process user friendly.

An ongoing outreach effort shall be a part of the program in order to solicit interest and assist those participating in the program and for the purposes of promoting the program.

Section 22.5-13. Inspection and Enforcement

An effective easement program involves periodic inspection to ensure that the rights acquired are protected. The County also has the ability to coordinate this effort with its land development process for approving subdivisions and building permits. In the event enforcement action is necessary, the staff responsible for administration of the program and inspection of property would work with the County Attorney. Staff may assist landowners in determining whether proposed uses or activities are consistent with easement restrictions on particular properties. In the event an easement is held jointly by the County and another organization, these inspection and enforcement efforts would need to be coordinated.

The local Soil and Water Conservation District may be able to provide assistance. The District currently helps landowners to prepare and implement soil and water conservation plans required by grant program criteria or the State or County guidelines in conjunction with its land use tax program. It also assists in the design and cost-sharing of Best Management Practices and verified compliance with BMPs and farm management plans.

The County should fund a periodic inspection program but seek as much assistance as possible in this regard from any organizations holding easements jointly in the County. In addition, the inspection program should be closely coordinated with, and seek the assistance of the Soil and Water Conservation District where applicable.